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August 28, 2020

VIA ECF

Hon. Kevin N. Fox, U.S.M.J.
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Actava TV, Inc., et al. v. Joint Stock Company “Channel One Russia Worldwide” et al. (18-cv-06626)

Dear Judge Fox:

We represent Plaintiffs herein and write pursuant to Rule 1.A of Your Honor's Individual Rules of Practice to respond to Defendants' counsel's letter to you earlier today (ECF 192).

Defendants' letter mostly agrees that the Proposed Order is appropriate, and even looks forward to the discovery from Matvil that this Court and now the Canadian Order all require take place. There is no reason to delay.

We must respond, however, to Defendants' attempt to claim that Plaintiff Actava's non-disclosure agreement ("NDA") with Matvil somehow prejudiced discovery, when such NDAs are normal business practice. Plaintiffs demonstrated their commitment to obtaining complete discovery from Matvil by pursuing extensive litigation to that end in two countries, resulting in multiple wide-ranging orders for discovery. Defendants could have pursued such discovery too, had they wished, but they did not. It is disingenuous and misleading for them to imply that Plaintiffs or Matvil are withholding information by complying with the NDA. Defendants' suggestion that the NDA implies any improper relationship with Matvil is false.

In any event, the existence of the NDA, which has been well-known for months, does not obstruct issuance of the Proposed Order, which ironically, Defendants' letter supports. We thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Toby Butterfield".

Toby Butterfield

cc: Hon. Judge Andrew L. Carter
All Counsel (via ECF)
Counsel for Matvil (via email)